

JAN 06 2004

**OFFICIAL**

PATENT

ATTORNEY DOCKET NO. 10416/15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Makoto Takahashi  
Serial No.: 10/039,490 Examiner: Nguyen, Dung T.  
Filed: October 26, 2001 Group Art Unit: 2828  
Title: SEMICONDUCTOR LASER METHOD OF PRODUCING SAME  
AND EVANESCENT OPTICAL HEAD USING THE SAME

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This amendment is responsive to the Office action of October 6, 2003, and is timely filed.

INTRODUCTORY COMMENTS

Claims 1-3, 5, 6, 8-12, and 14-20 are pending in the present application; however, claims 14 and 15 have been withdrawn from consideration. Claims 1-3, 5, 6, 8-12, and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scifres et al. (U.S. Patent No. 4,280,107) in view of Uno et al. (U.S. Patent No. 6,240,235).

Claims 1, 8, 10, 12, and 16 have been amended. Claims 2, 9, and 17 have been deleted. No new claims have been added. Applicant respectfully contends that the differences between the claimed invention and the prior art are such that the claimed invention is patentably distinct over the prior art.